

## 31. P. White- Notice of Charge of Discrimination

# Notice of Charge of Discrimination

U.S. Equal Employment Opportunity Commission <noreply@eeoc.gov>

Wed 9/12/2018 10:15 AM

To: Argretta Johen <AReid@vancecounty.org>

U.S. Equal Employment Opportunity Commission  
Raleigh Area Office  
434 Fayetteville Street, Suite 700  
Raleigh, NC 27601

## NOTICE OF CHARGE OF DISCRIMINATION (This Notice replaces EEOC FORM 131)

### DIGITAL CHARGE SYSTEM

September 12, 2018

To:  
Mrs. Argretta Johen  
Director, Human Resources  
VANCE COUNTY  
AJOHEN@vancecounty.org

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Justin White under Title VII of the Civil Rights Act (Title VII). The circumstances of the alleged discrimination are based on Retaliation, Race, and Sex, and involve issues of Harassment, Discipline, and Terms/Conditions that are alleged to have occurred on or about Feb 20, 2018 through Aug 10, 2018.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access EEOC's secure online system: <https://nxcg.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 433-2018-03289
3. Enter this temporary password: nh5275qy

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses, and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding the Digital Charge System, you can send an email to [Raleigh@eeoc.gov](mailto:Raleigh@eeoc.gov).

### Preservation of Records Requirement

EEOC regulations require respondents to preserve all payroll and personnel records relevant to the charge until final disposition of the charge or litigation. 29 CFR §1602.14. For more information on your obligation to preserve records, see <http://eeoc.gov/employers/recordkeeping.cfm>.

#### Non-Retaliation Requirements

The laws enforced by the EEOC prohibit retaliation against any individual because s/he has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing under these laws. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. For more information, see <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

#### Legal Representation

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please provide the attorney's contact information when you log in to the online system.

U.S. Equal Employment Opportunity Commission  
FEDERAL INVESTIGATION  
REQUEST FOR POSITION STATEMENT  
AND SUPPORTING DOCUMENTARY EVIDENCE

EEOC hereby requests that your organization submit within 30 days a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for EEOC's consideration.

We recommend you review EEOC's resource guide on "[Effective Position Statements](#)," as you prepare your response to this request.

#### Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

EEOC may release your position statement and non-confidential attachments to the Charging Party and her representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

#### Signed by an Authorized Representative

The Position Statement should be signed by an officer, agent, or representative of Respondent authorized to speak officially on its behalf in this federal investigation.

#### Segregate Confidential Information into Separately Designated Attachments

If you rely on confidential medical or commercial information in the position statement, you should provide such information in separate attachments to the position statement labeled "Sensitive Medical Information," "Confidential Commercial or Financial Information," or "Trade Secret Information" as applicable. Provide an explanation justifying the confidential nature of the information contained in the attachments. Medical information about the Charging Party is not sensitive or confidential medical

information in relation to EEOC's investigation. Segregate the following information into separate attachments and designate them as follows:

- a. Sensitive medical information (except for the Charging Party's medical information).
- b. Social Security Numbers
- c. Confidential commercial or financial information.
- d. Trade secrets information.
- e. Non-relevant personally identifiable information of witnesses, comparators or third parties, for example, social security numbers, dates of birth in non-age cases, home addresses, personal phone numbers and email addresses, etc.
- f. Any reference to charges filed against the Respondent by other charging parties.

Requests for an Extension

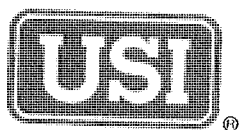
If Respondent believes it requires additional time to respond, it must, at the earliest possible time in advance of the due date, make a written request for extension, explain why an extension is necessary, and specify the amount of additional time needed to reply. Submitting a written request for extension of time does not automatically extend the deadline for providing the position statement.

Upload the Position Statement and Attachments into the Respondent Portal

You can upload your position statement and attachments into the Respondent Portal using the + Upload Documents button. Select the "Position Statement" Document Type and click the Save Upload button to send the Position Statement and attachments to EEOC. Once the Position Statement has been submitted, you will not be able to retract it via the Portal.

Please retain this notice for your records.

*Notice of Confidentiality: The information contained in this transmission may contain privileged and confidential information, including information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited and may be unlawful. If you are not the intended recipient, please contact us at [digital.support@eeoc.gov](mailto:digital.support@eeoc.gov) and destroy all copies of the original message and attachments.*



JuWh 2/18 chg

2/18 JW chg!

JWh 20 [signature]

|  |  |   |  |
|--|--|---|--|
| <b>CHARGE OF DISCRIMINATION</b><br><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>  |  | Charge Presented To:    Agency(ies) Charge No(s):<br><div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA<br/> <input checked="" type="checkbox"/> EEOC         </div> <div>433-2018-03289</div> </div> |  |
| _____ and EEOC<br><small>State or local Agency, if any</small>   |  |   |  |
| Name (indicate Mr., Ms., Mrs.)<br><b>Mr. Justin White</b>  |  | Home Phone (Incl. Area Code)<br><b>(919) 961-3448</b>   |  |
| Street Address<br><b>130 Chappell Lane, Kittrell, NC 27544</b>   |  | City, State and ZIP Code  |  |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency that I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)   |  |   |  |
| Name<br><b>VANCE COUNTY – OFFICE OF THE SHERIFF</b>  |  | No. Employees, Members<br><b>500 or More</b>  |  |
| Street Address<br><b>156 Church Street, Suite 004, Henderson, NC 27536</b>   |  | Phone No. (Include Area Code)<br><b>(252) 738-2200</b>  |  |
| City, State and ZIP Code   |  | City, State and ZIP Code  |  |
| Name   |  | No. Employees, Members  |  |
| Street Address   |  | Phone No. (Include Area Code)   |  |
| City, State and ZIP Code   |  | City, State and ZIP Code  |  |
| DISCRIMINATION BASED ON (Check appropriate box(es).)<br><div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div> |  | DATE(S) DISCRIMINATION TOOK PLACE<br>Earliest                      Latest<br><b>02-20-2018                      08-10-2018</b><br><input type="checkbox"/> CONTINUING ACTION  |  |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).<br><p>I. During my employment with the Respondent, I have been the victim of harassment and differential treatment as it pertains to the terms and condition of employment in comparison to that of my non-Black coworkers. This involves but not limited to the areas of: Discipline; Corrective Action; Treatment; Disrespect; Issuance of Safety Equipment; Subordinate Status and Retaliation.</p> <p>II. I have not been provided with a reason for the differential treatment concerning the areas on the part of the Respondent.</p> <p>III. I believe I have been discriminated against based on my Race-Black, Gender-Male and in retaliation for taking part in a protected activity. I believe Respondent's actions are in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>                            |  |   |  |

|   |  |
|---|--|
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.<br><br>I declare under penalty of perjury that the above is true and correct. | NOTARY – When necessary for State and Local Agency Requirements<br><br>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.<br>SIGNATURE OF COMPLAINANT<br><br>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br>(month, day, year) |
| <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <u>August 29<sup>th</sup> 2018</u><br/> <small>Date</small> </div> <div style="text-align: center;"> <u>Justin J. White</u><br/> <small>Charging Party Signature</small> </div> </div>                                | <div style="text-align: center;"> <u>[Signature]</u><br/> <small>SIGNATURE OF COMPLAINANT</small> </div>   |



**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.